

Applicants: Walter P. Carney, et al.  
U.S. Serial No.: 08/488,180  
Filed: June 7, 1995  
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In the claims:

Please cancel claims 13-15 without prejudice to applicants' right to pursue the subject matter thereof in a continuing application.

**REMARKS**

Claims 13-24 are pending. Claims 16-24 are allowed. Applicants have hereinabove canceled claims 13-15 without prejudice. Applicants respectfully request entry of this Amendment. Upon entry of this Amendment, claims 16-24 will be pending.

In view of the arguments set forth below, applicants maintain that the Examiner's rejections made in the October 11, 2001 Office Action have been overcome, and respectfully request that the Examiner reconsider and withdraw same.

**The Claimed Invention**

This invention relates to the detection and/or quantification of the human neu gene related product, p100, in the biological fluids of humans using monoclonal antibodies which are capable of binding to this protein.

**Rejection Under 35 U.S.C. §112, Second Paragraph**

The Examiner rejected claims 13 and 14 under 35 U.S.C. §112, second paragraph, as allegedly indefinite. The Examiner maintains as indefinite the language of claims 13 and 14, which recites the term

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"corresponds substantially".

In response to the Examiner's rejection, but without conceding the correctness thereof, applicants point out that claims 13 and 14 have been canceled, rendering the rejection thereof moot.

**Rejection Under 35 U.S.C. §112, First Paragraph**

The Examiner rejected claims 13-15 under 35 U.S.C. §112, first paragraph, as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The Examiner asserted that the claims are "broadly drawn to any monoclonal antibody which is capable of binding 'p100'". Thus, the Examiner maintains that the specification does not provide a written description of this invention.

In response to the Examiner's rejection, but without conceding the correctness thereof, applicants point out that claims 13-15 have been canceled, rendering the rejection thereof moot.

**Rejections Under 35 U.S.C. §102(a)**

The Examiner rejected claims 13-15 under 35 U.S.C. §102(a) as allegedly anticipated by McKenzie, et al. (Oncogene, Vol. 4, No. 5, pages 543-548, May 1989). The Examiner also rejected claims 13-15

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under 35 U.S.C. §102(a) as allegedly anticipated by Masuko, et al.  
(Jpn. J. Cancer Research, Vol. 80, pages 10-14, January 1989).

In response to the Examiner's rejections, but without conceding the correctness thereof, applicants point out that claims 13-15 have been canceled, rendering the rejection thereof moot.

Rejections Under 35 U.S.C. §102(e)

The Examiner rejected claims 13-15 under 35 U.S.C. §102(e) as allegedly anticipated by Ring, et al. (U.S. Patent No. 6,054,561). The Examiner also rejected claims 13-15 under 35 U.S.C. §102(e) as allegedly anticipated by Hudziak, et al. (U.S. Patent No. 5,720,937 or 5,772,997).

In response to the Examiner's rejections, but without conceding the correctness thereof, applicants point out that claims 13-15 have been canceled, rendering the rejection thereof moot.

Rejection Under 35 U.S.C. §103(a)

The Examiner rejected claims 13-15 under 35 U.S.C. §103(a) as allegedly unpatentable over Bernards, et al. (PNAS, Vol. 84, pages 6854-6858, October 1987) or Hudziak, et al. (U.S. Patent No. 6,015,567) in view of Campbell (Monoclonal Antibody Technology, 1984).

In response to the Examiner's rejection, but without conceding the correctness thereof, applicants point out that claims 13-15 have been canceled, rendering the rejection thereof moot.

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**Summary**

In view of the amendments and remarks made herein, applicants maintain that the Examiner's rejections have been overcome, and point out that all claims now pending are allowed.

If a telephone interview would be of assistance in advancing the prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone them at the number provided below.

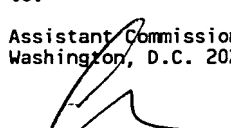
No fee, other than the \$920.00 extension fee, is deemed necessary in connection with the filing of this Amendment. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231.

  
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4/11/02  
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